

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KEVIN WAITE HALL,

Plaintiff,

Case No.: 1:07-cv-1162

v.

HONORABLE PAUL L. MALONEY

PATRICIA L. CARUSO et al,

Defendants.

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**ORDER ADOPTING MAGISTRATE'S
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by United States Magistrate Judge Ellen S. Carmody in this action. The Report and Recommendation was duly served on the parties. No objections have been filed.

ACCORDINGLY, the Report and Recommendation is hereby adopted as the opinion of the Court.

THEREFORE, IT IS ORDERED that:

Plaintiff's complaint is hereby **DISMISSED** for immunity and failure to state a claim pursuant to 28 U.S.C. §§1915(e)(2) and 1915A(b), and 42 U.S.C. §1997e(c).

IT IS FURTHER ORDERED that this dismissal shall count as a strike for purposes of 28 U.S.C. §1915(g).

IT IS FURTHER ORDERED that the Court finds no good-faith basis for appeal within the meaning of 28 U.S.C. §1915(a)(3). See *McGore v. Wigglesworth*, 114 F.3d 601, 611 (6th Cir. 1997).

Dated: February 8, 2008

/s/ Paul L. Maloney _____
Paul L. Maloney
United States District Judge